

Oct 29, 2019

s/ MaryMurawski

COMPLEX,JPS-CL,PROTO,TRANSFERRED

United States District Court
Eastern District of Wisconsin (Milwaukee)
CRIMINAL DOCKET FOR CASE #: 2:17-cr-00124-JPS-2

Deputy Clerk, U.S. District Court

Eastern District of Wisconsin

Case title: USA v. Hutchins et al

Date Filed: 07/11/2017

Date Terminated: 07/29/2019

Assigned to: Judge J P Stadtmueller

Defendant (2)

Marcus Hutchins

TERMINATED: 07/29/2019

also known as

Malwaretech

TERMINATED: 07/29/2019

represented by **Brian E Klein**

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Pending Counts

18:371 – CONSPIRACY TO DEFRAUD THE
UNITED STATES
(1s)

18:2512(1)(c)(i) and 2 –
MANUFACTURE/DISTR/POSSESS/ADVERTISE
WIRE/INTERCEPT DEVICE
(2s)

Highest Offense Level (Opening)

Felony

Disposition

IMPRISONMENT: Time served;
SUPERVISED RELEASE: One year

IMPRISONMENT: Time served;
SUPERVISED RELEASE: One year

Terminated Counts

18:371 – CONSPIRACY TO DEFRAUD THE
UNITED STATES
(1)

18:2512(1)(c)(i) and 2 –
MANUFACTURE/DISTR/POSSESS/ADVERTISE
WIRE/INTERCEPT DEVICE
(2)

18:2512(1)(a) and 2 –
MANUFACTURE/DISTR/POSSESS/ADVERTISE
WIRE/INTERCEPT DEVICE
(3)

18:2512(1)(c)(ii) and 2 –
MANUFACTURE/DISTR/POSSESS/ADVERTISE
WIRE/INTERCEPT DEVICE
(3s)

18:2512(1)(b) and 2 –
MANUFACTURE/DISTR/POSSESS/ADVERTISE
WIRE/INTERCEPT DEVICE
(4)

18:2512(1)(a) and 2 –
MANUFACTURE/DISTR/POSSESS/ADVERTISE
WIRE/INTERCEPT DEVICE
(4s)

18:2511(1)(a), (4)(a) and 2 – INTERCEPTION
AND DISCLOSURE OF WIRE OR ORAL
COMMUNICATIONS
(5)

18:2512(1)(b) and 2 –
MANUFACTURE/DISTR/POSSESS/ADVERTISE
WIRE/INTERCEPT DEVICE

Disposition

DISMISSED

DISMISSED

DISMISSED

DISMISSED

DISMISSED

DISMISSED

DISMISSED

DISMISSED

(5s)

18:1030(a)(5)(A), (c)(4)(B)(i) and (ii),
(c)(4)(A)(i)(VI), 1030(b) and 2 – FRAUD
ACTIVITY CONNECTED WITH COMPUTERS
(6)

DISMISSED

18:2511(1)(a), (4)(a) and 2 – INTERCEPTION
AND DISCLOSURE OF WIRE OR ORAL
COMMUNICATIONS
(6s)

DISMISSED

18:1030(a)(5)(A), (c)(4)(B)(i) and (ii),
(c)(4)(A)(i)(VI), 1030(b) and 2 – FRAUD
ACTIVITY CONNECTED WITH COMPUTERS
(7s)

DISMISSED

18:1030(a)(2)(C), (c)(2)(B)(i), 1030(b) and 2 –
FRAUD ACTIVITY CONNECTED WITH
COMPUTERS
(8s)

DISMISSED

18:1001(a)(2) – STATEMENTS OR ENTRIES
GENERALLY
(9s)

DISMISSED

18:1349 – ATTEMPT AND CONSPIRACY TO
COMMIT MAIL FRAUD
(10s)

DISMISSED

Highest Offense Level (Terminated)

Felony

Complaints

None

Disposition

Plaintiff

USA

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TERMINATED: 04/24/2019
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Date Filed	#	Page	Docket Text
07/11/2017	<u>1</u>		*SEALED* INDICTMENT as to Cu Huong Tran (1) Cts 1–6, Marcus Hutchins (2) Cts 1–6. (Attachments: # <u>1</u> Information Sheets) (mlm) (Additional attachment(s) added on 7/12/2017: # <u>2</u> Unredacted Indictment) (mlm). (Entered: 07/12/2017)
07/12/2017	<u>2</u>		*SEALED* MOTION to Unseal Indictment and Arrest Warrants for the limited purposes only (case to remain sealed) by USA as to Cu Huong Tran, Marcus Hutchins. (mlm)
07/12/2017	<u>3</u>		*SEALED* ORDER signed by Magistrate Judge Nancy Joseph on 7/12/17 as to Cu Huong Tran (1), Marcus Hutchins (2). IT IS ORDERED that the indictment and arrest warrants are unsealed for the purpose of obtaining provisional arrest warrants with the view towards extradition. IT IS FURTHER ORDERED that the government is allowed to disclose the indictment and arrest warrants to U.S. and foreign law enforcement agents and entities for the purpose of obtaining each defendant's presence in the E.D. of Wisconsin. IT IS FURTHER ORDERED that government's motion to unseal the indictment and arrest warrants and this Order are sealed until the defendants' arrest or further order of the Court. (cc: all counsel) (mlm)
08/07/2017	<u>6</u>		Redacted Indictment as to Marcus Hutchins. (mlm)
08/07/2017			NOTICE OF HEARING as to Marcus Hutchins. Arraignment & Plea set for 8/14/2017 10:00 AM in Courtroom 242, 517 E Wisconsin Ave., Milwaukee, WI 53202 before Magistrate Judge William E Duffin. (reset from 8/8/2017) (cc: all counsel)(lz)
08/11/2017	<u>7</u>		PRETRIAL SERVICE REPORT – BOND STUDY WITH UPDATE FOR 8/14/17 A&P (Sealed) filed by US Pretrial Office as to Marcus Hutchins (NOTICE: Counsel for defendant is required to provide a copy of this

		document to the defendant. To view this document use your e-filing log-in and password.) (at)
08/14/2017	<u>8</u>	Minute Entry for arraignment & plea held on 8/14/2017 before Magistrate Judge William E Duffin as to Marcus Hutchins (2), Cts 1–6. Defendant advised of rights, charges, penalties and fines. Court orders GJ materials disclosed no later than 1 business day prior to trial. Case referred to Magistrate Judge Nancy Joseph. Speedy Trial Date 10/23/17. Not Guilty Plea entered by Marcus Hutchins on all counts. Motions due by 8/29/2017; Responses due by 9/8/2017; Replies due by 9/13/2017. Court continues bond with modifications. (Tape #10:00:49 – 10:16:11) (mlm) (Main Document 8 replaced on 8/15/2017) (mlm).
08/14/2017	<u>10</u>	PRETRIAL ORDER as to Marcus Hutchins. Signed by Magistrate Judge Nancy Joseph on 8/14/17. (cc: all counsel) (mlm) (Entered: 08/15/2017)
08/14/2017	<u>11</u>	Rule 5 Documents Received from District of Nevada as to Marcus Hutchins. Docket Sheet (main document). (Attachments: # <u>1</u> Appearance Bond, # <u>2</u> Receipt for \$30,000 cash bond, # <u>3</u> Order Setting Conditions, # <u>4</u> Assertion of Right to Be Present in Court Unshackled)(mlm) (Entered: 08/15/2017)
08/15/2017	<u>9</u>	NOTICE OF ATTORNEY APPEARANCE: Marcia C Hofmann appearing for Marcus Hutchins (Hofmann, Marcia)
08/15/2017	<u>12</u>	NOTICE OF ATTORNEY APPEARANCE: Brian E Klein appearing for Marcus Hutchins (Klein, Brian)
08/15/2017		NOTICE OF HEARING as to Marcus Hutchins. Status Conference, FOR COUNSEL ONLY, set for 8/23/2017 at 1:30 PM (CST)before Magistrate Judge Nancy Joseph. Parties wishing to participate by telephone are to call the court's conference line at 877–336–1839 and use access code 5188910# to join the call. (cc: all counsel)(kmf)
08/16/2017	<u>13</u>	TRIAL SCHEDULING ORDER as to Marcus Hutchins signed by Judge J.P. Stadtmueller on 8/16/2017. Final/Joint Pretrial Report due by 2:00 PM on 10/12/2017. Should Defendant wish to resolve this case short of trial and remain eligible for acceptance of responsibility credit, counsel for Defendant must notify the Court of such intention, including the filing of a written plea agreement, not later than the close of business on 10/10/2017; upon filing a plea agreement, counsel for Defendant to contact the Magistrate Judge to schedule a change of plea hearing to be held no later than 10 days after the scheduled Final Pretrial Conference. Final Pretrial Conference set for 10/17/2017 at 8:30 AM in Courtroom 425, 517 E. Wisconsin Ave., Milwaukee, WI before Judge J.P. Stadtmueller. Jury Trial set for 10/23/2017 at 8:30 AM in Courtroom 425, 517 E. Wisconsin Ave., Milwaukee, WI before Judge J.P. Stadtmueller. See Order. (cc: all counsel) (jm)
08/21/2017	<u>14</u>	MOTION for Protective Order by USA as toMarcus Hutchins. (Attachments: # <u>1</u> Text of Proposed Order)(Chmelar, Michael)
08/21/2017	<u>15</u>	ORDER GRANTING <u>14</u> Motion for Protective Order as to Marcus Hutchins (2). signed by Magistrate Judge Nancy Joseph on 8/21/2017 (cc: all counsel) (cc)
08/21/2017	<u>74</u>	

		Receipt of bond posted for \$30,000.00 cash bond, Receipt Number: MK4689067344 as to Marcus Hutchins. (Originally posted in the District of Nevada and transferred to EDWI August, 2017.) (mlm) (Entered: 05/07/2018)
08/23/2017	<u>16</u>	TRANSCRIPT of ARRAIGNMENT & PLEA HEARING as to Marcus Hutchins held on 8/14/2017, before Judge William Duffin. Court Reporter/Transcriber John Schindhelm, Contact at WWW.JOHNSCHINDHELM.COM to order directly... OR. Transcripts may be purchased using the Transcript Order Form found <u>on our website</u> or viewed at the court public terminal. NOTICE RE REDACTION OF TRANSCRIPTS: If necessary, within 7 business days each party shall inform the Court of their intent to redact personal identifiers by filing a Notice of Intent to Redact. Please read the policy located on our website <u>www.wied.uscourts.gov</u> Redaction Statement due 9/18/2017. Redacted Transcript Deadline set for 9/28/2017. Release of Transcript Restriction set for 11/24/2017. (Schindhelm, John)
08/23/2017	<u>17</u>	Minute Entry for proceedings held before Magistrate Judge Nancy Joseph: Status Conference, for counsel only, held on 8/23/17 as to Marcus Hutchins. The govt. gives background of matter. The govt. reviews the status of discovery. Defense requests 45–60 days in which to review the discovery. Parties request complex designation. Crt. statements. The crt. designates the matter as complex and sets a telephone Status/Scheduling Conference for 10/13/17 at 11:30 a.m. (CST). If possible, prior to the hearing, the parties are to confer and submit to the court a proposed motion schedule. The court makes a finding under the Speedy Trial Act. The period of time from today until 10/13/17 is deemed excludable (Tape #1:36:00–1:57:49) (kmf) (Entered: 08/24/2017)
08/24/2017	<u>18</u>	ORDER re LM Status Report Signed by Magistrate Judge William E Duffin on 8/24/2017 approving request as to Marcus Hutchins (NOTICE: Parties allowed to view this document may do so by using their e–filing log–in and password.). (cc: all counsel) (lz)
08/24/2017	<u>19</u>	MOTION to Stay by USA as to Marcus Hutchins.(Chmelar, Michael)
08/24/2017	<u>20</u>	ORDER signed by Magistrate Judge William E. Duffin on 8/24/2017 granting <u>19</u> Motion to Stay as to Marcus Hutchins (2). Government's request for a hearing is denied. Not later than 11:00 AM, central time, August 25, 2017, the government may submit a written motion to return Hutchins to home confinement or otherwise amend Hutchins's conditions of release. Hutchins may respond no later than 2:00 PM, central time, August 25, 2017. (cc: all counsel) (djo)
08/25/2017	<u>21</u>	MOTION to Amend <i>Bond</i> by USA as to Marcus Hutchins.(Chmelar, Michael)
08/25/2017	<u>22</u>	BRIEF in Opposition by Marcus Hutchins re <u>21</u> MOTION to Amend <i>Bond</i> (Attachments: # <u>1</u> Exhibit A)(Klein, Brian)
08/25/2017	<u>23</u>	ORDER signed by Magistrate Judge William E. Duffin on 8/25/2017 denying <u>21</u> Motion to Amend as to Marcus Hutchins (2). The court's previously imposed stay is vacated. Hutchins is permitted to be out of his residence between the hours of 6:00 AM and 9:00 PM, subject to the other conditions previously imposed by the court. (cc: all counsel) (djo)

08/25/2017	<u>24</u>		MOTION to Stay by USA as to Marcus Hutchins.(Chmelar, Michael)
08/25/2017	<u>25</u>		MOTION to Revoke Bond <i>Condition</i> by USA as to Marcus Hutchins.(Chmelar, Michael)
08/28/2017	<u>26</u>		BRIEF in Opposition by Marcus Hutchins re <u>24</u> MOTION to Stay (Hofmann, Marcia)
08/28/2017	<u>27</u>		BRIEF in Opposition by Marcus Hutchins re <u>25</u> MOTION to Revoke Bond <i>Condition</i> (Attachments: # <u>1</u> Exhibit A)(Hofmann, Marcia)
08/28/2017			DOCKET ANNOTATION as to Marcus Hutchins: <u>24</u> Motion to Stay by USA and <u>25</u> Motion to Revoke Bond Condition by USA is referred to U.S. District Judge Pamela Pepper. (mlm)
08/29/2017			NOTICE OF HEARING ON MOTION as to Marcus Hutchins re <u>24</u> Government's MOTION to Stay and <u>25</u> Government's MOTION to Revoke Bond Condition: Motion Hearing set for 8/30/2017 at 9:30 AM by telephone before Judge Pamela Pepper. Parties wishing to appear by phone may do so by calling the court's conference line at 888-557-8511 and using access code 4893665#. (cc: all counsel)(cb)
08/29/2017			NOTICE OF HEARING ON MOTION as to Marcus Hutchins re <u>24</u> Government's MOTION to Stay and <u>25</u> Government's MOTION to Revoke Bond Condition: Motion Hearing re-set for 8/30/2017 at 10:15 AM by telephone before Judge Pamela Pepper. Parties wishing to appear by phone may do so by calling the court's conference line at 888-557-8511 and using access code 4893665#. (cc: all counsel)(cb)
08/30/2017	<u>28</u>		Minute and Order Entry for proceedings held before Judge Pamela Pepper (for Judge J.P. Stadtmueller): Motion Hearing as to Marcus Hutchins held on 8/30/2017. <u>24</u> Government's motion to stay pending review of motion to revoke GRANTED. <u>25</u> Government's motion to revoke order amending conditions of release DENIED. Defendant's bond modified to include the condition that he observe curfew status, to be in his residence from 9 PM to 6 AM. (cb) (Entered: 09/27/2017)
10/10/2017	<u>29</u>		TRANSCRIPT of HEARING RE: (1) MOTION TO STAY; (2) MOTION TO REVOKE BOND CONDITIONS as to Marcus Hutchins held on 8/30/17, before Judge PAMELA PEPPER. Court Reporter/Transcriber EXCEPTIONAL REPORTING, Contact at 361 949-2988 X 0. Tape Number: 8/30/17. Transcripts may be purchased using the Transcript Order Form found <u>on our website</u> or viewed at the court public terminal. NOTICE RE REDACTION OF TRANSCRIPTS: If necessary, within 7 business days each party shall inform the Court of their intent to redact personal identifiers by filing a Notice of Intent to Redact. Please read the policy located on our website <u>www.wied.uscourts.gov</u> Redaction Statement due 11/3/2017. Redacted Transcript Deadline set for 11/16/2017. Release of Transcript Restriction set for 1/11/2018. (Exceptional Reporting Services,)
10/13/2017	<u>30</u>		STATUS REPORT by USA as to Marcus Hutchins (Chmelar, Michael)
10/13/2017	<u>31</u>		Minute Entry for proceedings held before Magistrate Judge Nancy Joseph: Status Conference held on 0/13/17 as to Marcus HUTCHINS. The govt. informed the court as to the status of discovery. The parties requested a status

		<p>hrg. in another 30 days. Crt. sets Status Conference for 11/13/2017 at 11:30 AM before Magistrate Judge Nancy Joseph. Parties may appear by phone if they prefer. Crt. makes a finding under the Speedy Trial Act. The period of time from today until 11/13/17 is deemed excludable. (Tape #11:37:00–11:48:00–) (kmf)</p>
10/13/2017	<u>32</u>	<p>MOTION to Modify Conditions of Release by Marcus Hutchins. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Hofmann, Marcia) Modified on 10/19/2017 (mlm).</p>
10/16/2017		<p>TEXT ONLY ORDER as to Marcus Hutchins by Judge J.P. Stadtmueller on 10/16/2017. All pending deadlines of <u>13</u> the Court's Trial Scheduling Order, including the 10/17/2017 Final Pretrial Conference and the 10/23/2017 Jury Trial, are VACATED; such deadlines to be RE–SET after the 11/13/2017 Status Conference. (cc: all counsel) (jm)</p>
10/16/2017	<u>33</u>	<p>RESPONSE by USA as to Marcus Hutchins re <u>32</u> MOTION to Modify Conditions of Release (Chmelar, Michael)</p>
10/18/2017	<u>34</u>	<p>REPLY TO RESPONSE to Motion by Marcus Hutchins re <u>32</u> MOTION to Modify Conditions of Release (Attachments: # <u>1</u> Exhibit 1)(Hofmann, Marcia)</p>
10/19/2017	<u>35</u>	<p>ORDER signed by Magistrate Judge William E Duffin on 10/19/17 as to Marcus Hutchins (2). IT IS THEREFORE ORDERED that Hutchins's motion to modify his conditions of release (ECF No. <u>32</u>) is granted. The conditions of GPS monitoring and curfew are removed as conditions of Hutchins's pretrial release. (cc: all counsel) (mlm)</p>
10/19/2017	<u>36</u>	<p>MOTION to Revoke by USA as to Marcus Hutchins.(Chmelar, Michael)</p>
10/23/2017	<u>37</u>	<p>RESPONSE by Marcus Hutchins re <u>36</u> MOTION to Revoke (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Hofmann, Marcia)</p>
11/06/2017	<u>38</u>	<p>ORDER as to Marcus Hutchins signed by Judge J.P. Stadtmueller on 11/6/2017 DENYING <u>36</u> Government's Motion to Revoke Magistrate Judge William E. Duffin's 10/19/2017 Bond Order. (cc: all counsel) (jm)</p>
11/09/2017	<u>39</u>	<p>STATUS REPORT by USA as to Marcus Hutchins (Chmelar, Michael)</p>
11/13/2017	<u>40</u>	<p>Minute Entry for proceedings held before Magistrate Judge Nancy Joseph: Status Conference held on 11/13/17 as to Marcus HUTCHINS. The parties request another status conference be set. The court sets another status for 12/11/17 at 11:30 a.m.(CST). The parties can appear by phone if they wish. If the parties believe it is possible to set a motion schedule at that time, the court requests the parties submit the schedule in writing by 12/8/17. The court makes a finding under the Speedy Trial Act. The period of time from today until 12/11/17 is deemed excludable. (Tape #11:35:00–11:40:00) (kmf)</p>
12/07/2017	<u>41</u>	<p>NOTICE OF ATTORNEY APPEARANCE: Daniel W Stiller appearing for Marcus Hutchins (Stiller, Daniel)</p>
12/11/2017	<u>42</u>	<p>STATUS REPORT by USA as to Marcus Hutchins (Chmelar, Michael)</p>
12/11/2017	<u>43</u>	<p>Minute Entry for Status/Scheduling Conference held before Magistrate Judge Nancy Joseph held on 12/11/2017 as to Marcus Hutchins. Motion to compel due by 1/5/2018, Response due by 1/19/2018, Reply due by 1/26/2018. The</p>

		court makes a finding under the Speedy Trial Act. The period of time from today until 1/26/18 is deemed excludable. Excludable started. (Tape #11:34:00 – 11:53:08) (mlm)
01/05/2018	<u>44</u>	MOTION to Compel by Marcus Hutchins.(Klein, Brian)
01/19/2018	<u>45</u>	BRIEF in Opposition by USA as to Marcus Hutchins re <u>44</u> MOTION to Compel (Proctor, Benjamin)
01/26/2018	<u>46</u>	REPLY TO RESPONSE to Motion by Marcus Hutchins re <u>44</u> MOTION to Compel (Klein, Brian)
02/09/2018	<u>47</u>	NOTICE OF HEARING as to Marcus Hutchins. Hearing re: Motion to Compel set for 2/22/2018 at 1:30 PM (CST) in Courtroom 253, 517 E Wisconsin Ave., Milwaukee, WI 53202 before Magistrate Judge Nancy Joseph. (cc: all counsel)(kmf)
02/20/2018	<u>48</u>	ORDER signed by Magistrate Judge William E Duffin on 2/20/18 re Release Status Report as to Marcus Hutchins. (NOTICE: Parties allowed to view this document may do so by using their e-filing log-in and password.) (cc: all counsel) (mlm) (Entered: 02/21/2018)
02/22/2018	<u>49</u>	SCHEDULING ORDER as to Marcus Hutchins. Motions due by March 30, 2018 Responses due by April 18, 2018 Replies due by April 30, 2018. Evidentiary Hearing set for April 19, 2018 01:30 PM in Courtroom 253, 517 E Wisconsin Ave., Milwaukee, WI 53202 before Magistrate Judge Nancy Joseph. signed by Magistrate Judge Nancy Joseph on 2/22/2018. (cc: all counsel) (cc)
02/22/2018	<u>50</u>	Minute Entry for proceedings held before Magistrate Judge Nancy Joseph: granting in part and denying in part <u>44</u> Motion to Compel as to Marcus Hutchins (2); In Court Hearing as to Marcus Hutchins held on 2/22/2018.. (Court Reporter Heidi Trapp.) (cc)
03/01/2018	<u>51</u>	SUPPLEMENT by USA as to Marcus Hutchins – <i>Memorandum of Law</i> (Attachments: # <u>1</u> Attachment)(Chmelar, Michael)
03/01/2018	<u>52</u>	LETTER from Counsel for Marcus Hutchins <i>re MLAT Disclosure</i> (Stiller, Daniel)
03/28/2018	<u>53</u>	TRANSCRIPT of Motions to Compel as to Marcus Hutchins held on February 22, 2018, before Judge Nancy Joseph. Court Reporter/Transcriber Heidi J. Trapp, Contact at 414-297-3074. Transcripts may be purchased using the Transcript Order Form found on our website or viewed at the court public terminal. NOTICE RE REDACTION OF TRANSCRIPTS: If necessary, within 7 business days each party shall inform the Court of their intent to redact personal identifiers by filing a Notice of Intent to Redact. Please read the policy located on our website www.wied.uscourts.gov Redaction Statement due 4/23/2018. Redacted Transcript Deadline set for 5/3/2018. Release of Transcript Restriction set for 6/29/2018. (Trapp, Heidi)
03/30/2018	<u>54</u>	MOTION for Bill of Particulars by Marcus Hutchins.(Klein, Brian)
03/30/2018	<u>55</u>	MOTION to Suppress by Marcus Hutchins.(Klein, Brian)
03/30/2018	<u>56</u>	

			MOTION to Dismiss <i>the Indictment for Failure to State Offenses</i> by Marcus Hutchins.(Hofmann, Marcia)
03/30/2018	<u>57</u>		WITHDRAWN; SEE <u>91</u> MOTION to Dismiss <i>the Indictment for Improper Extraterritorial Application of Law and Venue</i> by Marcus Hutchins.(Hofmann, Marcia) Modified on 6/25/2018 (blr).
03/30/2018	<u>58</u>		MOTION to Dismiss Count Six STRICKEN pursuant to <u>91</u> . MOTION to Dismiss Count <i>Two and STRICKEN Count Six</i> by Marcus Hutchins.(Stiller, Daniel) Modified on 6/25/2018 (blr).
04/03/2018	<u>59</u>		RESPONSE by USA as to Marcus Hutchins <i>regarding evidentiary hearing request</i> <u>55</u> (Proctor, Benjamin) Modified on 4/5/2018 (lz).
04/06/2018	<u>60</u>		ORDER DENYING defendant's motion to compel MLAT Request. (Docket # 44) signed by Magistrate Judge Nancy Joseph on April 6, 2018. (cc: all counsel) (cc)
04/06/2018	<u>61</u>		ORDER GRANTING Hutchins' Request for Evidentiary Hearing. signed by Magistrate Judge Nancy Joseph on April 6, 2018. (cc: all counsel) (cc)
04/06/2018			NOTICE OF HEARING as to Marcus Hutchins. Evidentiary Hearing set for 4/18/2018 at 1:30 PM in Courtroom 253, 517 E Wisconsin Ave., Milwaukee, WI 53202 before Magistrate Judge Nancy Joseph. NOTE: This matter was originally set in the scheduling Order dated 2/22/18 (Docket #49). (cc: all counsel)(kmf) (Entered: 04/09/2018)
04/09/2018			NOTICE OF HEARING as to Marcus Hutchins. The Evidentiary Hearing in this matter is SET FOR 4/19/18 at 1:30 P.M. (NOT 4/18/18 as indicated on the original notice) in Courtroom 253, 517 E Wisconsin Ave., Milwaukee, WI 53202 before Magistrate Judge Nancy Joseph. (cc: all counsel)(kmf)
04/10/2018	<u>62</u>		ORDER re Release Status Report as to Marcus Hutchins Signed by Magistrate Judge William E Duffin on 4/10/2018. The defendant is allowed to possess his passport for travel to the ED/WI to attend a court hearing on 4/19/2018. He is also allowed to possess his passport to obtain a State ID for future hearings. (NOTICE: Parties allowed to view this document may do so by using their e-filing log-in and password.) (cc: all counsel) (lz)
04/18/2018	<u>63</u>		BRIEF in Opposition by USA as to Marcus Hutchins re <u>55</u> MOTION to Suppress – <i>USA's Pre-Hearing Memorandum</i> (Proctor, Benjamin)
04/18/2018	<u>64</u>		BRIEF in Opposition by USA as to Marcus Hutchins re <u>54</u> MOTION for Bill of Particulars (Proctor, Benjamin)
04/18/2018	<u>65</u>		BRIEF in Opposition by USA as to Marcus Hutchins re <u>56</u> MOTION to Dismiss <i>the Indictment for Failure to State Offenses</i> (Proctor, Benjamin)
04/18/2018	<u>66</u>		BRIEF in Opposition by USA as to Marcus Hutchins re <u>57</u> MOTION to Dismiss <i>the Indictment for Improper Extraterritorial Application of Law and Venue</i> (Proctor, Benjamin)
04/18/2018	<u>67</u>		BRIEF in Opposition by USA as to Marcus Hutchins re <u>58</u> MOTION to Dismiss Count <i>Two and Count Six</i> (Proctor, Benjamin)
04/20/2018	<u>68</u>		Minute Entry for proceedings held before Magistrate Judge Nancy Joseph: Evidentiary Hearing as to Marcus Hutchins held on 4/19/2018. Evidentiary

		hearing continued until May 16, 2018 at 1:30 p.m. (Court Reporter Sheryl Stawski) (cc)
04/23/2018		Set/Reset Hearings as to Marcus Hutchins: Evidentiary Hearing set for 5/16/2018 at 01:30 PM in Courtroom 253, 517 E Wisconsin Ave., Milwaukee, WI 53202 before Magistrate Judge Nancy Joseph. (blr)
04/30/2018	<u>69</u>	REPLY TO RESPONSE to Motion by Marcus Hutchins re <u>54</u> MOTION for Bill of Particulars (Klein, Brian)
04/30/2018	<u>70</u>	REPLY TO RESPONSE to Motion by Marcus Hutchins re <u>58</u> MOTION to Dismiss Count <i>Two and Count Six</i> (Stiller, Daniel)
04/30/2018	<u>71</u>	REPLY TO RESPONSE to Motion by Marcus Hutchins re <u>56</u> MOTION to Dismiss <i>the Indictment for Failure to State Offenses</i> (Hofmann, Marcia)
04/30/2018	<u>72</u>	REPLY TO RESPONSE to Motion by Marcus Hutchins re <u>57</u> MOTION to Dismiss <i>the Indictment for Improper Extraterritorial Application of Law and Venue</i> (Hofmann, Marcia)
05/04/2018	<u>73</u>	MOTION to Compel (<i>Renewed</i>) by Marcus Hutchins.(Klein, Brian)
05/09/2018	<u>75</u>	BRIEF by Marcus Hutchins in Support re <u>55</u> MOTION to Suppress <i>Defendant's Pre-Evidentiary Hearing Memorandum</i> (Attachments: # <u>1</u> Exhibit A)(Klein, Brian)
05/14/2018	<u>76</u>	ORDER re Release Status Report Signed by Magistrate Judge William E Duffin on 5/14/2018 as to Marcus Hutchins allowing Hutchins to possess his passport for travel to the ED/WI, as needed for case proceedings, as verified by Pretrial Services. (NOTICE: Parties allowed to view this document may do so by using their e-filing log-in and password.). (cc: all counsel) (lz)
05/15/2018	<u>77</u>	RESPONSE by USA as to Marcus Hutchins <i>Pre-evidentiary hearing memorandum (Doc. #75)</i> (Attachments: # <u>1</u> Exhibit Jail call transcript)(Proctor, Benjamin)
05/15/2018	<u>78</u>	RESPONSE by USA as to Marcus Hutchins re <u>73</u> MOTION to Compel (<i>Renewed</i>) (Chmelar, Michael)
05/17/2018	<u>79</u>	Minute Entry for proceedings held before Magistrate Judge Nancy Joseph: Evidentiary Hearing as to Marcus Hutchins held on 5/17/2018. (Court Reporter Rich Ehrlich) (cc)
05/17/2018	<u>80</u>	EXHIBIT LIST for Marcus Hutchins Evidentiary Hearing. (cc)
05/22/2018	<u>81</u>	ORDER re Release Status Report as to Marcus Hutchins Signed by Magistrate Judge William E Duffin on 5/22/2018. Pretrial Services may provide defendant with his passport for verified travel within the United States without Court notification. (NOTICE: Parties allowed to view this document may do so by using their e-filing log-in and password.). (cc: all counsel) (lz)
05/22/2018	<u>82</u>	TRANSCRIPT of Evidentiary Hearing as to Marcus Hutchins held on May 16, 2018, before Judge Nancy Joseph. Court Reporter/Transcriber Richard D. Ehrlich, Contact at (414) 290-2642. Transcripts may be purchased using the Transcript Order Form found on our website or viewed at the court public terminal. NOTICE RE REDACTION OF TRANSCRIPTS: If necessary, within 7 business days each party shall inform the Court of their intent to

		redact personal identifiers by filing a Notice of Intent to Redact. Please read the policy located on our website www.wied.uscourts.gov Redaction Statement due 6/15/2018. Redacted Transcript Deadline set for 6/25/2018. Release of Transcript Restriction set for 8/23/2018. (Ehrlich, Richard)
05/23/2018	<u>83</u>	REPLY TO RESPONSE to Motion by Marcus Hutchins re <u>73</u> MOTION to Compel (<i>Renewed</i>) (Klein, Brian)
05/30/2018	<u>84</u>	BRIEF in Opposition by USA as to Marcus Hutchins re <u>55</u> MOTION to Suppress (Chmelar, Michael)
05/30/2018	<u>85</u>	MEMORANDUM by Marcus Hutchins in Support re <u>55</u> MOTION to Suppress (<i>Post-Hearing</i>) (Klein, Brian)
06/05/2018	<u>86</u>	SUPERSEDING INDICTMENT as to Marcus Hutchins (2) Cts 1s – 10s. (mlm) (Additional attachment(s) added on 6/6/2018: # <u>1</u> Unredacted Superseding Indictment) (mlm). (Entered: 06/06/2018)
06/08/2018		NOTICE OF HEARING as to Marcus Hutchins. Arraignment & Plea on Superseding Indictment set for 6/14/2018 at 01:30 PM (CST) in Courtroom 253, 517 E Wisconsin Ave., Milwaukee, WI 53202 before Magistrate Judge Nancy Joseph. Defense counsel shall call the Court's conference line at 877-336-1839 and use access code 5188910# to join the call. Local counsel to appear in-person. (cc: all counsel) (blr)
06/13/2018	<u>87</u>	WAIVER of Appearance at Arraignment and Plea by Marcus Hutchins (Klein, Brian)
06/14/2018	<u>88</u>	Minute Entry for Arraignment & Plea held on 6/14/2018 before Magistrate Judge Nancy Joseph as to Marcus Hutchins (2) Counts 1s-10s. Defendant advised of rights, charges, penalties and fines. Court orders GJ materials disclosed no later than 1 business day prior to trial. Not Guilty Plea entered by Marcus Hutchins on all counts. Govt notes Counts 3, 8, 9 and 10 are new counts. Court discusses with counsel the pending motions. Court orders the parties to submit a proposed schedule, along with flagging the motions (by name and docket number) that will be impacted by the new schedule, no later than June 20, 2018. (Tape #1:32:13 – 1:50:25) (mlm)
06/20/2018	<u>89</u>	STATUS REPORT <i>Briefing Schedule</i> by USA as to Marcus Hutchins (Chmelar, Michael)
06/22/2018	<u>90</u>	LETTER from Defense re <i>Renewed Motion to Compel</i> (Klein, Brian)
06/22/2018	<u>91</u>	PRETRIAL MOTIONS SCHEDULE as to Marcus Hutchins. signed by Magistrate Judge Nancy Joseph on June 22, 2018. (cc: all counsel) (cc)
06/22/2018		Utility – <u>58</u> moot pursuant to <u>91</u> . (cc: all counsel) (blr) (Entered: 06/25/2018)
06/22/2018		Utility – <u>57</u> withdrawn pursuant to <u>91</u> . (cc: all counsel) (blr) (Entered: 06/25/2018)
06/22/2018		Set/Reset Deadlines as to Marcus Hutchins: Motions due by 7/13/2018, Responses due by 7/27/2018, Replies due by 8/3/2018. (blr) (Entered: 06/25/2018)
07/13/2018	<u>92</u>	MOTION to Dismiss Count <i>Seven of the First Superseding Indictment (Grand Jury Defects)</i> by Marcus Hutchins.(Stiller, Daniel)

07/13/2018	<u>93</u>		MOTION for Bill of Particulars (<i>Updated</i>) by Marcus Hutchins.(Klein, Brian)
07/13/2018	<u>94</u>		MOTION to Compel (<i>Renewed</i>) by Marcus Hutchins.(Klein, Brian)
07/13/2018	<u>95</u>		MOTION to Dismiss <i>the First Superseding Indictment (Failure to State Offenses and Multiplicity)</i> by Marcus Hutchins.(Hofmann, Marcia)
07/13/2018	<u>96</u>		MOTION to Dismiss <i>the First Superseding Indictment (Improper Extraterritorial Application of Law)</i> by Marcus Hutchins.(Hofmann, Marcia)
07/27/2018	<u>97</u>		BRIEF in Opposition by USA as to Marcus Hutchins re <u>92</u> MOTION to Dismiss Count Seven of the <i>First Superseding Indictment (Grand Jury Defects)</i> (Proctor, Benjamin)
07/27/2018	<u>98</u>		BRIEF in Opposition by USA as to Marcus Hutchins re <u>93</u> MOTION for Bill of Particulars (<i>Updated</i>) (Proctor, Benjamin)
07/27/2018	<u>99</u>		BRIEF in Opposition by USA as to Marcus Hutchins re <u>94</u> MOTION to Compel (<i>Renewed</i>) (Proctor, Benjamin)
07/27/2018	<u>100</u>		BRIEF in Opposition by USA as to Marcus Hutchins re <u>95</u> MOTION to Dismiss <i>the First Superseding Indictment (Failure to State Offenses and Multiplicity)</i> (Proctor, Benjamin)
07/27/2018	<u>101</u>		BRIEF in Opposition by USA as to Marcus Hutchins re <u>96</u> MOTION to Dismiss <i>the First Superseding Indictment (Improper Extraterritorial Application of Law)</i> (Proctor, Benjamin)
08/03/2018	<u>102</u>		REPLY TO RESPONSE to Motion by Marcus Hutchins re <u>92</u> MOTION to Dismiss Count Seven of the <i>First Superseding Indictment (Grand Jury Defects)</i> (Stiller, Daniel)
08/03/2018	<u>103</u>		REPLY TO RESPONSE to Motion by Marcus Hutchins re <u>94</u> MOTION to Compel (<i>Renewed</i>) (Klein, Brian)
08/03/2018	<u>104</u>		REPLY TO RESPONSE to Motion by Marcus Hutchins re <u>93</u> MOTION for Bill of Particulars (<i>Updated</i>) (Klein, Brian)
08/03/2018	<u>105</u>		REPLY TO RESPONSE to Motion by Marcus Hutchins re <u>96</u> MOTION to Dismiss <i>the First Superseding Indictment (Improper Extraterritorial Application of Law)</i> (Hofmann, Marcia)
08/03/2018	<u>106</u>		REPLY TO RESPONSE to Motion by Marcus Hutchins re <u>95</u> MOTION to Dismiss <i>the First Superseding Indictment (Failure to State Offenses and Multiplicity)</i> (Hofmann, Marcia)
09/07/2018	<u>107</u>		NOTICE of Change of Address by Brian E Klein (Klein, Brian)
10/26/2018	<u>108</u>		ORDER signed by Magistrate Judge Nancy Joseph. IT IS ORDERED that Hutchins' <u>54</u> Motion for Bill of Particulars is DENIED AS MOOT. IT IS FURTHER ORDERED that Hutchins' <u>73</u> Motion to Compel (<i>Renewed</i>) is DENIED AS MOOT. IT IS FURTHER ORDERED that Hutchins' <u>93</u> Motion for Bill of Particulars is DENIED. IT IS FURTHER ORDERED that Hutchins' <u>94</u> Motion to Compel is DENIED. (continued below...) (cc: all counsel) (blr)
10/26/2018	<u>109</u>		REPORT AND RECOMMENDATIONS signed by Magistrate Judge Nancy Joseph as to Marcus Hutchins. IT IS RECOMMENDED that Hutchins' <u>55</u>

		Motion to Suppress be DENIED. IT IS FURTHER RECOMMENDED that Hutchins' <u>56</u> Motion to Dismiss for Failure to State Offenses be DENIED AS MOOT. IT IS FURTHER RECOMMENDED that Hutchins' <u>92</u> Motion to Dismiss Count Seven be DENIED. IT IS FURTHER RECOMMENDED that Hutchins' <u>95</u> Motion to Dismiss for Failure to State an Offense and Multiplicity be DENIED. IT IS FURTHER RECOMMENDED that Hutchins' <u>96</u> Motion to Dismiss for Improper Extraterritorial Application of Law be DENIED. Case as to Marcus Hutchins no longer referred to Magistrate Judge Nancy Joseph. (cc: all counsel) (blr)
11/01/2018	<u>110</u>	EXHIBITS received for USA and Marcus Hutchins as to Marcus Hutchins exhibit list filed. ** Did not receive Exhibit #3 Audio Recording. (Attachments: # <u>1</u> Exhibit List) (cms) (Entered: 11/02/2018)
11/09/2018	<u>111</u>	OBJECTION TO REPORT AND RECOMMENDATIONS <u>109</u> by Marcus Hutchins (Hofmann, Marcia)
11/16/2018	<u>112</u>	Unopposed MOTION for Extension of Time to File <i>Responses to Objections to Magistrate Judge's Recommendations</i> by USA as to Marcus Hutchins.(Proctor, Benjamin)
11/19/2018	<u>113</u>	ORDER as to Marcus Hutchins signed by Judge J P Stadtmueller on 11/19/2018 GRANTING <u>112</u> United States' Motion for Extension of Time. By 11/30/2018, the government to FILE its responses to <u>111</u> Defendant's Objections to Magistrate Judge Nancy Joseph's 10/26/2018 Report and Recommendations. Defendant to FILE his reply within 7 days of the government's responses. (cc: all counsel) (jm)
11/30/2018	<u>114</u>	RESPONSE by USA as to Marcus Hutchins <i>Objection to Magistrate Judge Recommendation</i> (Proctor, Benjamin)
12/07/2018	<u>115</u>	REPLY TO RESPONSE to Motion by Marcus Hutchins re <u>109</u> Report and Recommendations,,, Case No Longer Referred,, (Klein, Brian)
01/24/2019	<u>116</u>	NOTICE OF ATTORNEY APPEARANCE: Benjamin P Taibleson appearing for USA (Taibleson, Benjamin)
02/11/2019	<u>117</u>	ORDER as to Marcus Hutchins signed by Judge J P Stadtmueller on 2/11/2019. <u>55</u> Defendant's Motion to Suppress is DENIED. <u>56</u> Defendant's Motion to Dismiss the Indictment is DENIED as moot. <u>92</u> , <u>95</u> and <u>96</u> Defendant's Motions to Dismiss as to the Superseding Indictment are DENIED. <u>111</u> Defendant's Objections to the Magistrate's Report and Recommendation are OVERRULED and <u>109</u> Magistrate Judge Nancy Joseph's Report and Recommendation is ADOPTED in accordance with the terms of this Order. See Order for further details. (cc: all counsel) (jm)
02/15/2019	<u>118</u>	MOTION to Suppress (<i>Renewed</i>) by Marcus Hutchins.(Klein, Brian)
02/22/2019	<u>119</u>	LETTER from All Counsel re: <i>Proposed Trial Dates</i> (Stiller, Daniel)
03/01/2019	<u>120</u>	AMENDED TRIAL SCHEDULING ORDER as to Marcus Hutchins signed by Judge J P Stadtmueller on 3/1/2019. Should Defendant wish to resolve this case short of trial and remain eligible for acceptance of responsibility credit, counsel for Defendant must notify the Court of such intention, including the filing of a written plea agreement, not later than the close of business on 6/17/2019. Daubert Motions due by 6/19/2019. Motions in Limine due by

		6/21/2019. Final/Joint Pretrial Report due by 2:00 PM on 6/26/2019. Final Pretrial Conference set for 7/2/2019 at 8:30 AM in Courtroom 425, 517 E. Wisconsin Ave., Milwaukee, WI before Judge J P Stadtmueller. Jury Trial set for 7/8/2019 at 8:30 AM in Courtroom 425, 517 E. Wisconsin Ave., Milwaukee, WI before Judge J P Stadtmueller. In accordance with 18 U.S.C. § 3161(h)(7)(A) and in the interests of justice, the time from the issuance of this Order until 7/8/2019 is excludable from any applicable calculation under the Speedy Trial Act. See Order. (cc: all counsel) (jm)
03/01/2019	<u>121</u>	Unopposed MOTION for Extension of Time to File <i>Response to Defendant's "Renewed Motion"</i> (Doc. #118) by USA as to Marcus Hutchins.(Proctor, Benjamin)
03/05/2019		TEXT ONLY ORDER as to Marcus Hutchins by Judge J P Stadtmueller on 3/5/2019 GRANTING <u>121</u> United States' Unopposed Motion for Extension of Time. United States shall respond to <u>118</u> Defendant's Renewed Motion to Suppress by 3/22/2019. (cc: all counsel) (jm)
03/22/2019	<u>122</u>	RESPONSE by USA as to Marcus Hutchins re <u>118</u> MOTION to Suppress (<i>Renewed</i>) (Proctor, Benjamin)
03/27/2019	<u>123</u>	REPLY TO RESPONSE to Motion by Marcus Hutchins re <u>118</u> MOTION to Suppress (<i>Renewed</i>) (Klein, Brian)
04/19/2019	<u>124</u>	PLEA AGREEMENT as to Marcus Hutchins (Taibleson, Benjamin)
04/23/2019	<u>125</u>	ORDER as to Marcus Hutchins signed by Judge J P Stadtmueller on 4/23/2019 REFERRING CASE to Magistrate Judge Nancy Joseph to hold plea colloquy and thereafter issue report and recommendation on advisability of accepting Defendant's proposed guilty plea. (cc: all counsel) (jm)
04/25/2019		NOTICE OF HEARING as to Marcus Hutchins. Change of Plea Hearing set for 5/2/2019 at 2:30 PM in Courtroom 253, 517 E Wisconsin Ave., Milwaukee, WI 53202 before Magistrate Judge Nancy Joseph. (cc: all counsel, PTS via email)(blr)
05/02/2019	<u>126</u>	Minute Entry for Change of Plea hearing held 5/2/2019 before Magistrate Judge Nancy Joseph as to Marcus Hutchins. Deft sworn. Court finds deft competent to enter plea. Guilty plea entered by Marcus Hutchins as to Counts 1 and 2 of the superseding indictment. The Court will recommend to Judge Stadtmueller that a plea of guilty be accepted and the deft be adjudged guilty. PSR due: 7/1/2019; Objections due: 7/11/2019; Responses due: 7/18/2019. Sentencing set for 7/26/2019 at 11:30 AM in Courtroom 425, 517 E Wisconsin Ave., Milwaukee, WI 53202 before Judge J P Stadtmueller. (Court Reporter Richard Ehrlich) (blr)
05/02/2019		Case as to Marcus Hutchins no longer referred to Magistrate Judge Nancy Joseph. (blr)
05/03/2019	<u>127</u>	REPORT AND RECOMMENDATION regarding Change of Plea as to Marcus Hutchins signed by Magistrate Judge Nancy Joseph. (cc: all counsel) (blr)
05/20/2019	<u>128</u>	ORDER as to Marcus Hutchins signed by Judge J P Stadtmueller on 5/20/2019 ADOPTING <u>127</u> Magistrate Judge Nancy Joseph's Report and Recommendations on Defendant's Guilty Plea. (cc: all counsel) (jm)

06/08/2019	<u>129</u>		MOTION to Withdraw as Attorney <i>for the Defendant</i> by Daniel W. Stiller by Marcus Hutchins.(Stiller, Daniel)
06/10/2019	<u>130</u>		NOTICE OF ATTORNEY APPEARANCE: Emily Rebecca Stierwalt appearing for Marcus Hutchins (Stierwalt, Emily)
07/18/2019			TEXT ONLY ORDER as to Marcus Hutchins by Judge J P Stadtmueller on 7/18/2019 GRANTING <u>129</u> Motion to Withdraw as Attorney. Daniel W Stiller withdrawn from case as counsel for Defendant Marcus Hutchins. (cc: all counsel) (jm)
07/22/2019	<u>131</u>		SENTENCING MEMORANDUM by USA as to Marcus Hutchins (Attachments: # <u>1</u> Exhibit)(Proctor, Benjamin)
07/22/2019	<u>132</u>		MOTION to Seal Document <i>Defendant Marcus Hutchins' Motion to Seal His Sentencing Memorandum and Exhibits</i> by Marcus Hutchins. (Attachments: # <u>1</u> [Proposed] Order Granting Defendant Marcus Hutchins' Motion to Seal His Sentencing Memorandum and Exhibits)(Klein, Brian)
07/22/2019	<u>133</u>		SEALED DOCUMENT This document is not available electronically and must be served in paper format upon opposing counsel.
07/23/2019	<u>134</u>		SEALED DOCUMENT This document is not available electronically and must be served in paper format upon opposing counsel.
07/23/2019	<u>135</u>		REVISED PRESENTENCE INVESTIGATION REPORT (Restricted) as to Marcus Hutchins filed by the US Probation Office. (NOTICE: Counsel for the defendant is required to provide a copy of this document to the defendant. Please note this report has been changed since the last disclosure. Parties allowed to view this document may do so by logging in.) (Attachments: # <u>1</u> Addendum)(jm)
07/23/2019	<u>136</u>		SENTENCING RECOMMENDATION (Sealed – for Judge only) filed by US Probation Office as to Marcus Hutchins (jm)
07/23/2019	<u>137</u>		SEALED DOCUMENT This document is not available electronically and must be served in paper format upon opposing counsel.
07/24/2019	<u>138</u>		SEALED DOCUMENT This document is not available electronically and must be served in paper format upon opposing counsel.
07/26/2019	<u>139</u>		Minute Entry for proceedings held before Judge J.P. Stadtmueller: Sentencing held on 7/26/2019 for Marcus Hutchins. IMPRISONMENT: Time served as to Counts One and Two; SUPERVISED RELEASE: 1 year as to Counts One and Two; FINE: Waived; SPECIAL ASSESSMENT: \$200.00. Conditions of Supervised Release imposed. SEE Judgment for additional details. (Court Reporter John Schindhelm) (cl)
07/29/2019	<u>140</u>		JUDGMENT signed by Judge J P Stadtmueller on 7/29/2019 as to Marcus Hutchins (2). Counts 1–7, 3s–10s, DISMISSED. Count `1s–2s, IMPRISONMENT: Time served; SUPERVISED RELEASE: One year Conditions of Supervised Release imposed. SEE Judgment for additional details. (cc: all counsel) (mlm)
07/29/2019	<u>141</u>		STATEMENT OF REASONS (Sealed) signed by Judge J P Stadtmueller on 7/29/2019 as to Marcus Hutchins. (NOTICE: Attorneys of record for the

			government and defendant may view this document using their e-filing log-in and password.) (cc: all counsel) (mlm)
08/06/2019	<u>142</u>		TRANSCRIPT of SENTENCING HEARING as to Marcus Hutchins held on 7/26/2019, before Judge JP Stadtmueller. Court Reporter/Transcriber John Schindhelm, Contact at www.johnschindhelm.com to order directly... OR. Transcripts may be purchased using the Transcript Order Form found <u>on our website</u> or viewed at the court public terminal. NOTICE RE REDACTION OF TRANSCRIPTS: If necessary, within 7 business days each party shall inform the Court of their intent to redact personal identifiers by filing a Notice of Intent to Redact. Please read the policy located on our website www.wied.uscourts.gov Redaction Statement due 8/30/2019. Redacted Transcript Deadline set for 9/9/2019. Release of Transcript Restriction set for 11/7/2019. (Schindhelm, John)
08/21/2019	<u>143</u>		Unopposed MOTION for Return of Property/PostTrial by Marcus Hutchins.(Hofmann, Marcia)
08/28/2019	<u>144</u>		ORDER FOR RETURN OF BAIL MONEY signed by Judge J P Stadtmueller on 8/28/2019: GRANTING <u>143</u> Defendant's Unopposed Motion for Return of Bond and DIRECTING that the Clerk of Court return to Tarah Wheeler the amount of \$30,000.00 being held as bail regarding Defendant Marcus Hutchins. See Order. (cc: all counsel, via mail to Tarah Wheeler) (jm)
10/09/2019	<u>145</u>		NOTIFICATION OF EXHIBIT Release sent to counsel of record. (cms)
10/29/2019	<u>146</u>		Probation Jurisdiction Transferred to Central District of California as to Marcus Hutchins. (mlm)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

U.S. DISTRICT COURT
EASTERN DISTRICT-WI
FILED

2018 JUN -5 P 3:48

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 17-CR-124

v.

[Title 18, United States Code, Sections
371, 1001(a)(2), 1030(a)(5)(A),
(a)(2)(C) and (b), 2511(a)(1),
2512(1)(c)(i) and (ii); and 1349]

MARCUS HUTCHINS,
aka "Malwaretech,"
aka "irp@jabber.se"

Defendant.

STEPHEN C. DRIES
CLERK

FIRST SUPERSEDING INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES:

1. At times material to this indictment:

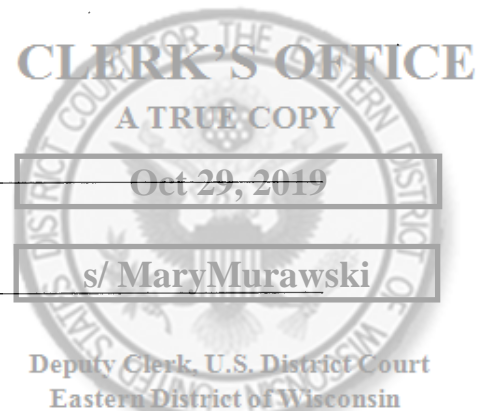
RELEVANT ENTITIES

a. Defendant MARCUS HUTCHINS developed malware. HUTCHINS used various aliases, including "Malwaretech" and "irp@jabber.se."

b. Individual A, also known as "Vinny," "VinnyK," "Gone with the Wind," "Cocaine," "Jack of All Trades," and "Aurora123" advertised, promoted, and distributed malware developed by defendant MARCUS HUTCHINS.

RELEVANT TERMS

c. A "protected computer" was a computer in or affecting interstate or foreign commerce or communications, including a computer located outside the United States that is used in a manner that affects interstate or foreign commerce or communications of the United States.



d. "Malware" was a term used to describe malicious computer code intended to damage a computer. Malware deletes, creates, and modifies files on a computer and allows unauthorized access to a protected computer.

e. "Kronos" was the name given to a particular type of malware that recorded and exfiltrated user credentials and personal identifying information from protected computers. Kronos malware was commonly referred to as a "banking Trojan." Kronos utilized a key logger, a form grabber, and web injects to intercept and collect personal information from a protected computer. During the installation process, Kronos was concealed in a legitimate program already running on the victim computer.

f. "UPAS Kit" was the name given to a particular type of malware that was advertised as a "modular HTTP bot." UPAS Kit was marketed to "install silently and not alert antivirus engines." UPAS Kit allowed for the unauthorized exfiltration of information from protected computers. UPAS Kit used a form grabber and web injects to intercept and collect personal information from a protected computer.

g. A "form grabber" was the process of intercepting certain data being sent from a computer's internet browser to a website.

h. "Web injects" work by intercepting data being sent from a website to a computer's internet browser. The data is intercepted before it is displayed by the browser, allowing the malware to modify the data before it is displayed by the browser. Typically, the modifications cause false and fraudulent representations to be displayed by the browser, prompting the user to provide additional personal and account related information like PIN numbers, credit and debit card numbers, or a social security number, among other information.

i. “Crypting” was a term used to describe computer code used to conceal the existence of malware from anti-virus software.

The Conspiracy

2. Between in or around July 2012 and September 2015, in the state and Eastern District of Wisconsin and elsewhere,

MARCUS HUTCHINS, aka “Malwaretech,” aka “irp@jabber.se”

knowingly conspired and agreed with Individual A, aka “Vinny,” aka “VinnyK,” aka “Gone with the Wind,” aka “Cocaine,” aka “Jack of All Trades,” aka “Aurora123,” and others unknown to the Grand Jury, to commit an offense against the United States, namely, to:

(a) knowingly cause and aid and abet the transmission of a program, information, code, and command, and as a result of such conduct, intentionally cause damage without authorization, to 10 or more protected computers during a 1-year period, in violation of Title 18, United States Code, Sections 1030(a)(5)(A), (c)(4)(B)(i) and (c)(4)(A)(i)(VI) and 2;

(b) intentionally access and aid and abet another to intentionally access a computer without authorization, and obtain information from a protected computer for the purpose of private financial gain, in violation of Title 18 United States Code, Sections 1030(a)(2)(C) and (c)(2)(B)(i) and 2; and

(c) intentionally intercept, endeavor to intercept, and procure any other person to intercept and endeavor to intercept, any electronic communication in violation of Title 18, United States Code, Section 2511(1)(a).

Manner and Means of the Conspiracy

3. The manner and means sought to accomplish the object and purpose of the conspiracy included:

a. Advertising, promoting, and marketing the availability of the UPAS Kit and Kronos;

b. Selling and distributing the UPAS Kit and Kronos;

c. Receiving and distributing the proceeds obtained from selling malware; and

d. Concealing acts done in furtherance of the conspiracy.

Overt Acts in Furtherance of the Conspiracy

4. In furtherance of the conspiracy, and to accomplish the objects and purposes of the conspiracy, the following overt acts, among others, were committed and were caused to be committed:

a. Defendant MARCUS HUTCHINS developed UPAS Kit and provided it to Individual A, who was using alias "Aurora123" at the time.

b. On or about July 3, 2012, Individual A, using the alias "Aurora123," sold and distributed UPAS Kit to an individual located in the Eastern District of Wisconsin in exchange for \$1,500 in digital currency.

c. On or about July 20, 2012, Individual A, using the alias "Aurora123," distributed an updated version of UPAS Kit to an individual located in the Eastern District of Wisconsin.

d. Prior to July 2014, defendant MARCUS HUTCHINS developed Kronos and provided it to Individual A. HUTCHINS intended Individual A to advertise, promote, sell, and distribute Kronos.

e. On or about July 13, 2014, a video showing the functionality of the "Kronos Banking trojan" was posted to YouTube. Individual A and defendant MARCUS HUTCHINS used the video to demonstrate how Kronos worked and to promote the sale of Kronos.

f. In or around August 2014, Individual A, using the alias "Vinny," offered to sell the "Kronos Banking trojan" for \$3,000 on the forum exploit.in.

g. On or about September 7, 2014, Individual A, using the alias "VinnyK," marketed Kronos to members of the Darkode forum.

h. On or about December 23, 2014, defendant MARCUS HUTCHINS hacked control panels associated with Phase Bot, malware HUTCHINS perceived to be competing with Kronos. In a chat with Individual B, HUTCHINS stated, "well we found exploit (sic) in his panel just hacked all his customers and posted it on my blog sucks that these [] idiots who cant (sic) code make money off this :|" HUTCHINS then published an article on his Malwaretech blog titled "Phase Bot – Exploiting C&C Panel" describing the vulnerability.

i. In or around February 2015, defendant MARCUS HUTCHINS and Individual A, updated Kronos. On February 9, 2015, in a chat with Individual B, HUTCHINS described the update. Individual B asked, "[D]id you guys just happen to make a (sic) update?" HUTCHINS responded, "[W]e made a few fixes to both the panel and bot." Individual B replied, "ah okay yeah read something that vinny posted was curious on what it was exactly."

j. In or around February 2015, defendant MARCUS HUTCHINS distributed Kronos to Individual B, who was located in the State of California. At that time, HUTCHINS knew Individual B was involved in the various cyber-based criminal enterprises including the unauthorized access of point-of-sale systems and the unauthorized access of ATMs.

k. On or about April 29, 2015, Individual A, using the alias "VinnyK," advertised the availability of the Kronos on the AlphaBay market forum.

1. On or about June 11, 2015, Individual A, using the alias "Vinny" sold a version of Kronos in exchange for approximately \$2,000 in digital currency to an individual located in the Eastern District of Wisconsin.

m. On or about July 17, 2015, Individual A, using the alias "VinnyK," offered crypting services for Kronos.

n. Defendant MARCUS HUTCHINS referred customers interested in buying Kronos to Individual A.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

THE GRAND JURY FURTHER CHARGES:

Between in or around July 2014 and in or around August 2014, in the state and Eastern District of Wisconsin and elsewhere,

MARCUS HUTCHINS, aka "Malwaretech," aka "irp@jabber.se,"

intentionally disseminated and aided and abetted the dissemination by electronic means any advertisement of any electronic, mechanical, or other device, knowing and having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of electronic communications, knowing the content of the advertisement and having reason to know that such advertisement will be transported in interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 2512(1)(c)(i), and 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES:

Between in or around July 2014 and in or around August 2014, in the state and Eastern District of Wisconsin and elsewhere,

MARCUS HUTCHINS, aka "Malwaretech," aka "irp@jabber.se,"

intentionally disseminated and aided and abetted the dissemination by electronic means any advertisement of any other electronic, mechanical, or other device, where such advertisement promotes the use of such device for the purpose of the surreptitious interception of electronic communications, knowing the content of the advertisement and having reason to know that such advertisement will be transported in interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 2512(1)(c)(ii), and 2.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES:

On or about June 11, 2015, in the state and Eastern District of Wisconsin and elsewhere,

MARCUS HUTCHINS, aka "Malwaretech," aka "irp@jabber.se,"

aided and abetted Individual A, who intentionally sent any electronic, mechanical, or other device in interstate and foreign commerce, knowing and having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of electronic communications.

In violation of Title 18, United States Code, Sections 2512(1)(a), and 2.

COUNT FIVE

THE GRAND JURY FURTHER CHARGES:

On or about June 11, 2015, in the state and Eastern District of Wisconsin and elsewhere,

MARCUS HUTCHINS, aka "Malwaretech," aka "irp@jabber.se,"

aided and abetted Individual A, who intentionally sold any electronic, mechanical, or other device, knowing and having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of electronic communications and that such device and any component thereof was transported in interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 2512(1)(b), and 2.

COUNT SIX

THE GRAND JURY FURTHER CHARGES:

On or about June 11, 2015, in the state and Eastern District of Wisconsin and elsewhere,

MARCUS HUTCHINS, aka "Malwaretech," aka "irp@jabber.se,"

knowingly and intentionally endeavored to intercept and procure any other person to intercept and endeavor to intercept certain electronic communications, namely computer keystrokes of others without the knowledge or consent of said others.

In violation of Title 18, United States Code, Sections 2511(1)(a), (4)(a), and 2.

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES:

On or about June 11, 2015, in the state and Eastern District of Wisconsin and elsewhere,

MARCUS HUTCHINS, aka "Malwaretech," aka "irp@jabber.se,"

knowingly caused and aided and abetted the transmission of a program, information, code, and command and as a result of such conduct, attempted to cause damage without authorization, to 10 or more protected computers during a 1-year period.

In violation of Title 18, United States Code, Sections 1030(a)(5)(A), (c)(4)(B)(i) and (ii), (c)(4)(A)(i)(VI), 1030(b), and 2.

COUNT EIGHT

THE GRAND JURY FURTHER CHARGES:

Between in or around June 2014 and on or about June 11, 2015, in the state and Eastern District of Wisconsin and elsewhere,

MARCUS HUTCHINS, aka "Malwaretech," aka "irp@jabber.se"

knowingly aided and abetted another to intentionally access a computer without authorization and thereby obtain and attempt to obtain information from a protected computer for the purpose of private financial gain.

In violation of Title 18, United States Code, Sections 1030(a)(2)(C), (c)(2)(B)(i), 1030(b), and 2.

COUNT NINE

THE GRAND JURY FURTHER CHARGES:

1. On or about August 2, 2017, defendant MARCUS HUTCHINS was advised that it was a crime to make a materially false statement in a matter within the jurisdiction of the executive branch of the Government of the United States.
2. The Federal Bureau of Investigation is an agency within the executive branch of the Government of the United States.
3. On August 2, 2017, the Federal Bureau of Investigation was conducting an investigation related to Kronos, which was a matter within the jurisdiction of the Federal Bureau of Investigation.
4. On or about August 2, 2017, in the state and Eastern District of Wisconsin and elsewhere,

MARCUS HUTCHINS, aka "Malwaretech," aka "irp@jabber.se,"

knowingly and willfully made a materially false, fictitious, and fraudulent statement and representation in a matter within the jurisdiction of the Federal Bureau of Investigation when he stated in sum and substance that he did not know his computer code was part of Kronos until he reverse engineered the malware sometime in 2016, when in truth and fact, as HUTCHINS then knew, this statement was false because as early as November 2014, HUTCHINS made multiple statements to Individual B in which HUTCHINS acknowledged his role in developing Kronos and his partnership with Individual A.

In violation of Title 18, United States Code, Section 1001(a)(2).

COUNT TEN

THE GRAND JURY FURTHER CHARGES:

1. The allegations in paragraph 1 of Count One of this Superseding Indictment are realleged and incorporated into this count by reference as if they were fully set forth here.

2. Between in or around July 2012 and September 2015, in the state and Eastern District of Wisconsin and elsewhere,

MARCUS HUTCHINS, aka "Malwaretech," aka "irp@jabber.se"

knowingly conspired and agreed with Individual A and others unknown to the Grand Jury, to devise and participate in a scheme to defraud and obtain money by means of false and fraudulent pretenses, and representations and transmit by wire in interstate and foreign commerce any writing, signs, and signals for the purpose of executing the scheme, in violation of Title 18, United States Code, Section 1343.

3. The object of the conspiracy was to use interstate and foreign wire communications to obtain money by advertizing, promoting, selling, and distributing Kronos and UPAS Kit.

4. The manner and means to accomplish the object of conspiracy are described in paragraph 3 of Count One.

5. Overt acts committed in furtherance of the conspiracy are described in paragraph 4 of Count One.

All in violation of Title 18, United States Code, Section 1349.

A TRUE BILL:

FOREPERSON

Dated: 6/5/18


MATTHEW D. KRUEGER
United States Attorney

Oct 29, 2019

s/ Mary Murawski

Deputy Clerk, U.S. District Court
Eastern District of Wisconsin

United States District Court

Eastern District of Wisconsin

UNITED STATES OF AMERICA

V.

MARCUS HUTCHINS

JUDGMENT IN A CRIMINAL CASE

Case Number: 17-CR-124-2-JPS

Marshal Number: 54243-048

Brian Klein, Marcia
Hofmann, and Emily
Stierwalt
Defendant's Attorneys

Benjamin Proctor and
Benjamin Taibleson
Assistant United States Attorneys

THE DEFENDANT:

Pled guilty to Counts One and Two of the Superseding Indictment.

Title & Section	Nature of Offense	Date Concluded	Count(s)
18 U.S.C. § 371	Conspiracy	September, 2015	One
18 U.S.C. §§ 2, 2512(1)(c)(i)	Advertisement of wire, oral, or electronic communication- intercepting devices	August, 2014	Two

The defendant is sentenced as provided in sheets 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

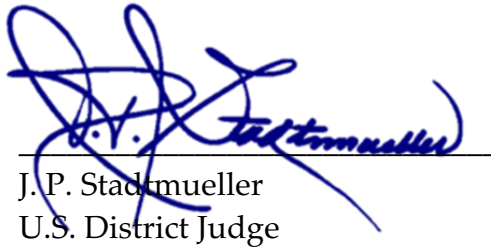
IT IS ORDERED that Counts 3–10 of the Superseding Indictment be and the same are hereby DISMISSED.

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant: Marcus Hutchins

Case Number: 17-CR-124-2

Date Sentence Imposed: July 26, 2019



J. P. Stadtmueller
U.S. District Judge

Date Judgment Signed: July 29, 2019

Defendant: Marcus Hutchins

Case Number: 17-CR-124-2

IMPRISONMENT

The defendant is hereby committed to the custody of the Bureau of Prisons to be imprisoned for a term of Time Served as to each offense of conviction in Count One and Two of the Superseding Indictment to operate to run concurrently for a total sentence of Time Served.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____ at _____, with a certified copy of this judgment.

United States Marshal

By: _____
Deputy U.S. Marshal

Defendant: Marcus Hutchins

Case Number: 17-CR-124-2

SUPERVISED RELEASE

The defendant shall be on supervised release for a total term of One (1) year as to Counts One and Two of the Superseding Indictment. The defendant shall comply with the following special conditions:

1. On Monday, July 29, 2019, the defendant shall report in person to his supervising probation officer in the Central District of California.
2. The defendant shall not commit another federal, state, or local crime.
3. The defendant shall not possess any firearms or other dangerous weapons.
4. Pursuant to the Violent Crime Control and Law Enforcement Act of 1996, the defendant shall not illegally possess or unlawfully use any controlled substance. The Court finds there is a low risk of future substance abuse by the defendant and therefore suspends the drug testing requirements.
5. The defendant must reside at a residence approved by his supervising probation officer.
6. The defendant shall use his best efforts to secure lawful full-time employment and support his dependents.
7. The defendant shall notify his supervising probation officer at least ten days prior to any change in the place of his residence or employment. When such notification is not possible, the defendant shall notify his supervising probation officer within 72 hours of the change.
8. The defendant shall notify his supervising probation officer within 72 hours of being arrested or questioned by a law enforcement officer.
9. The defendant shall follow the reasonable instructions of his supervising probation officer and answer all inquiries of such officer subject to the defendant's Fifth Amendment right against self-incrimination.
10. The defendant shall permit his supervising probation officer to visit him at reasonable times at home, or such other location as may be mutually agreed upon and shall permit confiscation of any contraband observed in plain view by his supervising probation officer.
11. The defendant shall not associate with any persons known by him to be engaged or planning to be engaged in criminal activity. "Associate" as used here means to communicate, meet, reside, socialize, or otherwise interact with such person.
12. The defendant shall not knowingly leave the judicial district to which he has been released without the permission of the Court or his supervising probation officer.
13. The defendant shall not enter into any agreement to act as an informer or special agent of a law enforcement agency within the United States without the prior approval of the Court.
14. The defendant shall cooperate with Immigration and Customs Enforcement under the direction of his supervising probation officer.

Defendant: Marcus Hutchins

Case Number: 17-CR-124-2

In accordance with the recent decisions by the United States Court of Appeals for the Seventh Circuit in *United States v. Siegel*, 753 F.3d 705 (7th Cir. 2014), *United States v. Thompson*, 777 F.3d 368 (7th Cir. 2015), *United States v. Kappes*, 782 F.3d 828 (7th Cir. 2015), *United States v. Downs*, 784 F.3d 1180 (7th Cir. 2015), *United States v. Poulin*, 809 F.3d 924 (7th Cir. 2016), *United States v. Ortiz*, 817 F.3d 1180 (7th Cir. 2016), *United States v. Hill*, 818 F.3d 342 (7th Cir. 2016), and their progeny, the Court withheld imposition of any additional conditions of supervised release. The Court concluded that such additional conditions, if any, are best left for further consideration at such time as they may become appropriate and necessary.

Defendant: Marcus Hutchins

Case Number: 17-CR-124-2

CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on Sheet 6.

	<u>Special Assessment</u>	<u>Fine</u>	<u>Restitution</u>
<u>Totals:</u>	\$200.00	None	None

FINE

Based upon the defendant's limited financial resources, the Court determines that the defendant does not have the financial ability to pay a fine within the guidelines range. The Court determines that the defendant does not have the financial ability to pay the interest on the fine, costs of incarceration, costs of community confinement, and supervision, and therefore waives the interest on the fine, costs of incarceration, costs of community confinement, and supervision in this case.

A waiver of the cost of community confinement does not preclude the Bureau of Prisons from imposing a subsistence fee of up to twenty-five percent (25%) of gross income, based on ability to pay, for any portion of the sentence spent in a community correctional facility.

RESTITUTION

The defendant shall pay restitution in the amount listed below. Restitution payments shall be made to the Clerk of the Court—362 U.S. Courthouse, 517 E. Wisconsin Avenue, Milwaukee, Wisconsin 53202—who shall disburse restitution payments to the following payee(s):

PAYEE	AMOUNT
None	None

Defendant: Marcus Hutchins

Case Number: 17-CR-124-2

SCHEDULE OF PAYMENTS

Payments shall be applied in the following order: (1) assessment, and (2) restitution.

Special instructions regarding the payment of criminal monetary penalties:

Unless the Court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment, payment of the criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalty payments, except those payments made through the Bureau of Prisons Inmate Financial Responsibility Program are to be made as directed by the Court, the defendant's supervising probation officer, or the United States Attorney.

TRANSFER OF JURISDICTION

DOCKET NUMBER (Trans. Court)

0757 2:17CR00124 - 2

DOCKET NUMBER (Rec. Court)

19-cr-646 JFW

FILED
CLERK, U.S. DISTRICT COURT

10/23/19

CENTRAL DISTRICT OF CALIFORNIA
BY: CP DEPUTY

NAME OF PROBATIONER/SUPERVISED RELEASEE:

Marcus Hutchins

DISTRICT

Eastern District of Wisconsin

DIVISION

Milwaukee

NAME OF SENTENCING JUDGE

U.S. District Judge J.P. Stadtmueller

DATES OF PROBATION
/SUPERVISED RELEASE

FROM

07/26/2019

TO

07/25/2020

OFFENSE

CONSPIRACY TO DEFRAUD THE UNITED STATES

PART 1 - ORDER TRANSFERRING JURISDICTION

UNITED STATES DISTRICT COURT FOR THE Eastern District of Wisconsin

IT IS HEREBY ORDERED that pursuant to 18 U.S.C. § 3605, the jurisdiction of the probationer or supervised releasee named above be transferred with the record of this Court to the United States District Courts for the Central District of California upon that Court's order of acceptance of jurisdiction. This Court hereby expressly consents that the period of probation or supervised release may be changed by the District Court to which this transfer is made without further inquiry of this Court.*

October 15, 2019

Date

J.P. Stadtmueller
United States District Judge

*This sentence may be deleted in the discretion of the transferring Court.

PART 2 - ORDER ACCEPTING JURISDICTION

UNITED STATES DISTRICT COURT FOR THE Central District of California

IT IS HEREBY ORDERED that jurisdiction over the above-named probationer/supervised releasee be accepted and assumed by this Court from and after the entry of this order.

October 22, 2019

Effective Date

Virginia A. Phillips
United States District Judge